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FEB 22 2008

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In re Application of
Zeldis et al.
Serial No.: 10/820,397
Filed: April 8, 2004
Attorney Docket No.: CELG-0422

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: PETITION DECISION
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This is a response to the petition under 37 CFR 1.59(b), filed February 13, 2008, to expunge information from the above identified application.

Petitioner requests that items 1-10 of the IDS, disclosed under seal, February 13, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The \$200.00 petition fee set forth in 37 CFR 1.17(h) has been paid.

This is currently an examined application. However, the IDS has not been reviewed and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. However, the information cannot be expunged at this time.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at general Office facsimile number, 703-872-9306.

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